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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,205	02/28/2002	Michael L. Blomquist	9015.147US01	2150

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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER
HANNE, SARA M

ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		10/087,205	BLOMQUIST, MICHAEL L.
		Examiner	Art Unit
		Sara M. Hanne	2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 August 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-16</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-16</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20060917

DETAILED ACTION

1.   In response to the RCE filed 8/24/06, Claims 1-16 are all pending.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3.   Claims 1-7 and 15-16 are rejected under 35 U.S.C. 112, first paragraph, as

failing to comply with the written description requirement. The claim(s) contains subject

matter which was not described in the specification in such a way as to reasonably

convey to one skilled in the relevant art that the inventor(s), at the time the application

was filed, had possession of the claimed invention. Claims 1, 15 and 16 recite "the

home page being a starting page for the user interface on the pump". This limitation

has not been found in the specification, and therefore does not comply with the written

description requirement. In fact the specification merely states that a home page can

be any user interface page, never defining a starting page.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Campbell et al., US Patent Application Publication 2005/0137530, hereinafter Campbell

and further in view of Estes et al., US Patent Application Publication 2003/0114836,

hereinafter Estes.

6.   As in Claims 1 and 15, Campbell teaches a method comprising generating a user

interface having a plurality of pages, one of the pages being a home page (Page 1, par

6), a data port (cradle ref. 46), memory for storing a banner retrieved from the dataport

(memory, ref. 16), retrieving a banner from memory (Page 5, Par. 58), and displaying

the retrieved banner in the home page on a screen (LCD, ref. 18, Fig. 22 status).

Campbell fails to explicitly teach the home page as a starting page for the user interface

on the pump as recited in the claims. In the same field of the invention, Estes et al.

teaches a programmable pump similar to that of Campbell. In addition, Estes et al.

further teaches a starting page with a banner for the user interface on the pump (Fig 6

and corresponding text). It would have been obvious to one of ordinary skill in the art,

having the teachings of Campbell and Estes et al. before him at the time the invention

was made, to modify the programmable pump in data communication with a computer,

the computer programmed to receive a banner from memory taught by Campbell to

include a banner on the home page being a starting page of Estes et al., in order to

obtain a banner from memory displayed on the pump's initial display. One would have

been motivated to make such a combination because an instant notification to the user

would have been obtained, as taught by Estes et al.

As in Claims 2 and 8, Campbell teaches retrieving a user-defined banner identifying the programmable pump as an insulin pump (Bolus data, Insulin type screen, U100U, Fig. 16 and 22).

As in Claims 3 and 9, While Campbell teaches a programmable pump in data communication with a computer, the computer programmed to receive a banner through memory, they fail to show the banner containing information identifying the user of the programmable pump as recited in the claims. In the same field of the invention, Estes et al. teaches a programmable pump similar to that of Campbell. In addition, Estes et al. further teaches a banner containing information identifying the user of the programmable pump (Fig 4 and 5, Patient Name). It would have been obvious to one of ordinary skill in the art, having the teachings of Campbell and Estes et al. before him at the time the invention was made, to modify the programmable pump in data communication with a computer, the computer programmed to receive a banner from memory taught by Campbell to include the banner identifying the pump's user of Estes et al., in order to obtain a banner from memory displayed on the pump display identifying the pump's user. One would have been motivated to make such a combination because a personalized pump display would have been obtained, as taught by Estes et al.

As in Claims 4 and 10, Campbell teaches retrieving a banner containing medical information specific to the user of the programmable pump (Basal Review, Prime History).

As in Claims 5 and 11, While Campbell teaches a programmable pump in data communication with a computer, the computer programmed to receive a banner through memory, they fail to show retrieving a banner identifying the caregiver for the user of the programmable pump as recited in the claims. In the same field of the invention, Estes et al. teaches a programmable pump similar to that of Campbell. In addition, Estes et al. further teaches a banner containing information identifying the caregiver of the programmable pump (Fig 3A, Facility Info, Physician Name). It would have been obvious to one of ordinary skill in the art, having the teachings of Campbell and Estes et al. before him at the time the invention was made, to modify the programmable pump in data communication with a computer, the computer programmed to receive a banner from memory taught by Campbell to include the banner identifying the pump's caregiver of Estes et al., in order to obtain a banner from memory displayed on the pump display identifying the pump's caregiver. One would have been motivated to make such a combination because an authorized pump display would have been obtained, as taught by Estes et al.

As in Claims 6, 12 and 16, Campbell teaches two or more of the pages generated by the user interface are home pages, and retrieving a banner from memory (ref. 16), includes retrieving two or more banners from memory, and displaying a banner one of the home pages and a banner on another of the home pages (Page 1, Par. 6 et seq.).

As in Claims 7 and 14, Campbell teaches downloading of the banner to the pump

and loading the banner from memory onboard the programmable pump (Page 2, par

12-15).

As in Claim 13, Campbell teaches a data port, the processor being configured to

receive a banner through the data port and store the banner in memory (See rejection

of Claims 1 and 15 *supra*).

Response to Arguments

Applicant's arguments filed 7/5/06 have been fully considered but they are not persuasive.

In response to the argument that Campbell fails to teach a starting page, the examiner responds as such. The claims now define the home page as the starting page for the user interface on the pump. The specification merely describes the home page as one of the pages that displays a banner. This is clearly taught by Campbell (Fig. 8 and corresponding text). Campbell does teach a blank page, however they also teach other pages. Nonetheless, the rejection now shows that Estes teaches a first screen with a banner (*supra*).

In response to the argument that Campbell fails to teach the limitations of Claim 8, the examiner disagrees. In accordance with the Claimed limitations, Campbell teaches retrieving a banner identifying the programmable pump as an insulin pump (Bolus data, Insulin type screen, U100U, Fig. 16 and 22) this banner is dependent upon the user's data. Campbell also teaches data retrieved from the network (Col. 5) by users to be displayed as banners.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered

pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to

consider these references fully when responding to this action. The documents cited

therein teach infusion pump displays.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sara M Hanne whose telephone number is (571) 272-

4135. The examiner can normally be reached on M-F 7:30am-4:00pm, off on

alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

smh

BA HUYNH
PRIMARY EXAMINER